ruling the appellants merely excepted without resorting to a peremptory challenge to remove the juror. At the time the full jury was sworn, the appellants still retained seven unused peremptory challenges. Appellants seek reversal of the judgment of conviction on the ground of erroneous ruling by the trial court relative to the protested juror's competency to serve. *Held*: Until a defendant's peremptory challenges are exhausted he cannot complain of the overruling of his challenges for cause to any particular juror who afterwards serves on the panel, for unless he exercises them when the occasion arises, he is in a sense leading the court into error which he might have cured. *State* v. *Humphrey et al* (Or. 1912) 128 Pac. 824.

The court's ruling is in full accord with the weight of authority. "A party waives his right to insist upon an error in the refusal of the court to sustain a challenge for cause when such party fails to exhaust his peremptory challenges." *State* v. *Stockman,* 9 Kan. App. 422; 59 Pac. 1032; *C. B. & Q. R. R. Co.* v. *Krayenbuhl,* 70 Neb. 766, 98 N. W. 44; *Knollin* v. *Jones,* 7 Idaho 466, 63 Pac. 638; *Iowa* v. *Wright,* 112 Ia. 436, 84 N. W. 541; *Mabry* v. *State,* 50 Ark. 492; *People* v. *Rush,* 113 Mich. 539; *Yecker* v. *San Antonio Traction Co.,* 33 Tex. Civ. App. 239, 76 S. W. 780; *Preswood* v. *State,* 3 *Heisk,* (Tenn.) 468; *St. Louis & E. Ry.* v. *Lux,* 63 Ill. 523. But there is respectable authority holding contrary to the principal case. "If error appears in the ruling of the trial court on a challenge for cause, that question should be decided wholly independent of any consideration whether the party litigant had or had not exhausted his peremptory challenges." *Theobald* v. *St. Louis Transit Co.,* 191 Mo. 395; *People* v. *Bodine,* 1 Den. (N. Y.) 281; *Freeman* v. *People,* 4 Den. (N. Y.) 9; *Sampson* v. *Schaffer,* 3 Cal. 107; *Brown* v. *State,* 57 Miss. 424. But to get a reversal for erroneous ruling there must be prejudice shown, even though the party has exhausted all his peremptory challenges. *Graff* v. *People,* 208 Ill. 312, 70 N. E. 299; *Moore* v. *Commonwealth,* 7 Bush (Ky.) 191; *Johns* v. *State,* 55 Md. 350; *State* v. *Raymond,* 11 Nev. 98; *Pool* v. *Milwaukee Mechanics Ins. Co.,* 94 Wis. 447, 69 N. W. 65. However there is authority for the rule that no prejudice need be shown to secure a reversal. *Terrell* v. *State,* 69 Ark. 449, 64 S. W. 223; *People* v. *Weil,* 40 Cal. 268; *Klyce* v. *State,* 79 Miss. 652, 31 So. 339; *Hartnett* v. *State,* 42 Oh. St. 568.

LIBEL—WHITE WOMAN CALLED "NEGRESS."—In an article relating the details of a burglary, defendant newspaper referred to plaintiff as a "negress." Plaintiff brings libel suit. *Held,* she could recover. *Express Pub. Co.* v. *Orsborn,* (Tex. 1912) 151 S. W. 574.

Publishing a white woman in a newspaper as "colored" has been held to be libellous *per se. Flood* v. *News and Courier Co.,* 71 S. C. 112, 50 S. E. 637; *Upton* v. *Publishing Co.,* 104 La. 141, 28 So. 970. On the other hand it has been held that calling a white man a negro is not slanderous *per se. McDowell* v. *Bowles,* 53 N. C. 184. But circulating a report that a white man is a negro has been held slanderous, *Spotorno* v. *Fourichon,* 40 La. Ann. 423, 4 So. 71.